

MEMORANDUM

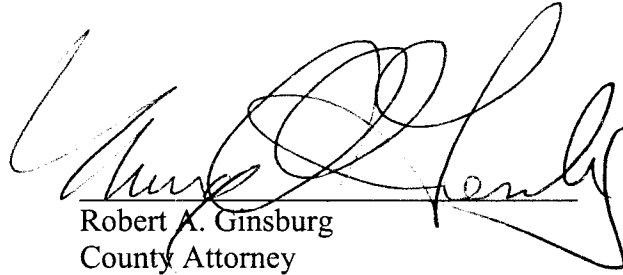
B/F

Agenda Item No. 2 (C)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** March 11, 2004

FROM: Robert A. Ginsburg
County Attorney **SUBJECT:** Ordinance changing the boundaries of the City of Hialeah Gardens providing for the annexation of certain lands

The accompanying ordinance was placed on the agenda by the Board of County Commissioners.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. **DATE:**
and Members, Board of County Commissioners

FROM: George M. Burgess
County Manager

SUBJECT: Fiscal Impact of
Hialeah Gardens
Annexation

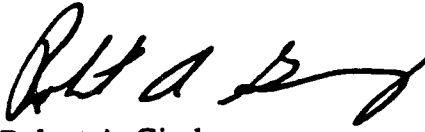
Annexation of the area identified in the application submitted by the City of Hialeah Gardens is estimated to result in a revenue loss to the UMSA budget of approximately \$21,342. To mitigate this impact the City has agreed to pay 100-percent of the surplus revenues for the portion of the Northwest Commercial Business Industrial Area within the proposed annexation area. In the current year this amount is equivalent to .506 mills or \$13,342 for this year; the mitigation amount on an annual basis will grow at the rate indicated in each year's preliminary assessment roll. The mitigation payment will reduce the net revenue loss to the UMSA budget to approximately \$8,000 for the current year. The City will also continue to pay the annexation area's stormwater utility debt services estimated at \$15 per year until 2024.



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. DATE: January 20, 2004
and Members, Board of County Commissioners

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☒ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF HIALEAH GARDENS, FLORIDA, AND AMENDING THE CHARTER OF SUCH MUNICIPALITY BY PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS, UNDER AND PURSUANT TO PROCEEDINGS PRESCRIBED BY SECTION 5.04(B) OF THE HOME RULE CHARTER; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE, UTILITY TAX AND CIGARETTE TAX REVENUES; PROVIDING RETENTION OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL; PROVIDING THAT THIS ORDINANCE WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. The municipal boundaries of the City of Hialeah Gardens are hereby changed, extended and enlarged, and the charter of such municipality is hereby amended by the annexation to the City of Hialeah Gardens of the following property:

**CITY OF HIALEAH GARDENS
ANNEXATION
LEGAL DESCRIPTION**

See Attachment 1 which is incorporated herein by reference.

encompassing an area described by Ordinance No. 2002-51 of the Mayor and City Council of the City of Hialeah Gardens which resolution is attached hereto (Attachment 2) and made a part hereof by reference.

Section 2. Pursuant to Section 20-8.1, 20-8.2 and 20-8.3 of the Code of Miami-Dade County (Ordinance Nos. 61-8 as amended, 70-84 as amended, and 70-85 as amended), this ordinance shall be effective only upon the condition and with the reservation that the County shall continue to collect and reserve all electric franchise revenues accruing within the annexed area during the full term of the County franchise, and the County shall forever continue to collect and receive all utility tax revenues and all cigarette tax revenues accruing within the annexed area in the same manner as though the annexed area remained a part of the unincorporated areas of the County.

Section 3. Pursuant to Section 20-8.4, Code of Miami-Dade County (Ordinance No. 96-30 as amended), this ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and dispose of all residential waste within the annexed area in the same manner as though such annexed areas remained part of the unincorporated areas of the County, unless the authority to collect such waste is delegated by the County to the governing body of the municipality through a twenty (20) year interlocal agreement which provides for collection services, and a twenty (20) year interlocal agreement which provides for disposal services in substantially the form approved by Resolution No. R-1198-95. An existing agreement dated December 4, 1996 entitled "First Amended and Restated Interlocal Agreement between Metropolitan Dade County and Contract Cities for City Use of the County Solid Waste Management System" meets the requirement for a 20 year interlocal agreement for disposal.

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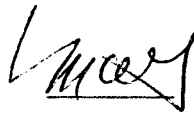

Section 4. This ordinance shall be effective only if the City of Hialeah Gardens executes a duly authorized interlocal agreement wherein it agrees, among other things, to : (a) pay to Miami-Dade County the annexed area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at \$15.00 per year for approximately 22 years or as provided in the interlocal agreement (c) require approval of land uses and land development regulations outside Miami-Dade County's Urban Development Boundary to be consistent with the Miami-Dade County Comprehensive Development Master Plan (Master Plan) and that Miami-Dade County retains jurisdiction regarding applications to amend the Master Plan in that portion of the annexed area lying outside Urban Development.

Section 5. The provisions of this ordinance are interdependent upon one another, and the entire ordinance shall be deemed invalid if any of its provisions are declared invalid or unconstitutional. If any of the sections of this ordinance are found or adjudged to be illegal, void or of no effect, the entire ordinance shall be null and void and of no force or effect.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Cynthia Johnson-Stacks

Sponsored by the Board of County Commissioners

Attachment 1

HIALEAH GARDENS ANNEXATION

A portion of Miami-Dade County, Florida generally bounded on the North by the centerline of NW 170th Street, bounded on the South by the centerline of the Miami Canal, bounded on the West by the centerline of the Homestead Extension of the Florida Turnpike (State Road Number 821) and bounded on the East by the centerline of NW 107th Avenue, AND a strip of land bounded on the North by the centerline of NW 138th Street, bounded on the South by the centerline of NW 137th Street, bounded on the west by the centerline of NW 107th Avenue and bounded on the East by the centerline of NW 97th Avenue, said portion being more particularly described as follows:

The North 330.00 feet of Section 29, Township 52 South, Range 40 East, Miami-Dade County Florida.

AND

That portion of Section 18, Township 52 South, Range 40 East, Miami-Dade County Florida lying Easterly of the centerline of the Homestead Extension of the Florida Turnpike (State Road 821) according to the Florida Department of Transportation Right-of-Way Map 87005-2312.

AND

That portion of Section 19, Township 52 South, Range 40 East, Miami-Dade County Florida lying Easterly of the centerline of the Homestead Extension of the Florida Turnpike (State Road 821) according to the Florida Department of Transportation Right-of-Way Map 87005-2312 and lying Northerly of the centerline of the Miami Canal.

AND

That portion of Section 30, Township 52 South, Range 40 East, Miami-Dade County Florida lying Northerly of the centerline of the Miami Canal.

ORDINANCE NO. 2002-51

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL, INITIATING AND REQUESTING A PROPOSED BOUNDARY CHANGE OF THE CITY OF HIALEAH GARDENS, FLORIDA, IN ORDER TO ANNEX PROPERTY BEARING THE LEGAL DESCRIPTION CONTAINED IN COMPOSITE EXHIBIT "1"; AUTHORIZING THE MAYOR AND THE CITY CLERK AND OTHER PROPER CITY OFFICERS AND OFFICIALS TO TAKE ANY AND ALL ACTIONS AS MAY BE NECESSARY TO SUBMIT A REQUEST FOR THE PROPOSED BOUNDARY CHANGE TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, AND AUTHORIZING THE CITY CLERK TO TRANSMIT COPIES OF THIS ORDINANCE TO THE CLERK OF THE COMMISSION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board recommended approval of a proposed annexation ordinance; and

WHEREAS, pursuant to state law, municipalities within the boundaries of Miami-Dade County shall follow the annexation methods established by Miami-Dade county, and

WHEREAS, pursuant to section 5.04 of the Miami-Dade County Home Rule Charter and section 20-3 of the Code of Miami-Dade County, Florida, the City of Hialeah Gardens may initiate, by ordinance, a proposed boundary change where there are 250 or fewer registered electors within the proposed annexation area and where the area is less than 50% developed residential, and

WHEREAS, the City of Hialeah Gardens finds that the foregoing threshold requirements for a city-initiated proposed boundary change are satisfied; and

WHEREAS, the City of Hialeah Gardens conducted duly noticed and, advertised, public hearings coinciding with the first and second reading of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, THAT:

Section 1: The recitations and facts contained, in, the preamble to this resolution are hereby adopted and incorporated by reference thereto as if fully set forth herein.

Section 2: The Mayor and the City Council of Hialeah Gardens hereby approve the changes, extension, and, enlargement of the municipal boundaries of the City of Hialeah Gardens, Florida, and the amendment of the charter of the City of Hialeah Gardens, Florida, to effect such change, by the annexation to the City of Hialeah Gardens of property shown on an accompanying map and legally described in Composite Exhibit "1", attached hereto and made a part hereof.

Section 3. The City Council of the City of Hialeah Gardens, Florida, hereby requests that the Board of County Commissioners of Miami-Dade County, Florida, adopt an ordinance changing, extending, and enlarging the City's municipal boundaries as approved by the City of Hialeah Gardens and as described in the Composite Exhibit "1"

Section 4. The Mayor and the City Clerk and, all such other City officials and officers are hereby authorized and, directed to take all action and. To execute such certificates, documents, and agreements as may be deemed necessary or desirable in connection with the submission of the request for such boundary change to the Board of County Commissioners of Miami-Dade County, Florida, for approval.

Section 5. The City Clerk is hereby authorized and directed to transmit three certified copies of the Ordinance, together with proof of compliance of notice procedures to the Clerk of the County Commission, accompanied by attachments as required by Section 20-3 of the Code of Miami-Dade County, Florida.

Section 6. Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Severability Clause.

If any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

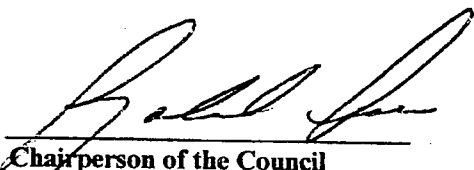
Section 8. Effective Date.


This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 19 day of NOVEMBER 2002.

ATTEST


Maria L. Joffe
City Clerk


Chairperson of the Council


Mayor Yisael De La Cruz

VOTE OF THE COUNCIL

	<u>11/5</u>	<u>11/19</u>
Luciano Garcia	<u>YES</u>	<u>ABSENT</u>
Miguel Haddad	<u>YES</u>	<u>YES</u>
Rolando Piña	<u>YES</u>	<u>YES</u>
Lucy Valdes	<u>YES</u>	<u>ABSENT</u>
Manuel Zardon	<u>YES</u>	<u>YES</u>

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Charles A. Citrin

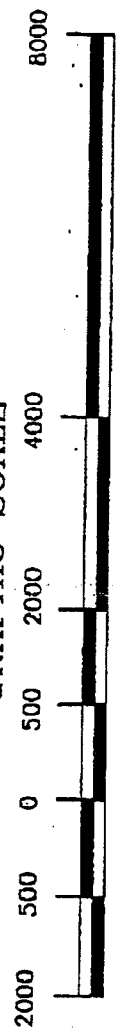
Charles A. Citrin
City Attorney

THIS COPY IS A TRUE AND CERTIFIED
COPY OF THE ORIGINAL ON FILE IN
THIS OFFICE THIS 2 DAY OF
DECEMBER 20 02
CITY OF HIALEAH GARDENS, FLORIDA

BY

Manuel Zardon
CITY CLERK

GRAPHIC SCALE



(IN FEET) 1 inch = 2000 ft.

